



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/097, 468 06/15/98 HANSON

S 5181-15900/P

TM02/1114

EXAMINER

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ELISCA, P

ART UNIT

PAPER NUMBER

2131

DATE MAILED:

11/14/00

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

9/9

Office Action Summary

Application No.
09/097,468

Applicant(s)

Hanson et al.

Examiner

Pierre Eddy Elisca

Group Art Unit

2131



Responsive to communication(s) filed on Sep 11, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-26 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---



Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D. C. 20231

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 09/11/2000.
2. Claims 1-26 are remained.
3. The rejection to claims 1-26 under 35 U.S.C 103 (a) as being unpatentable over Tavallaei et al (U.S. Pat. No. 5,864,653) in view of Splett et al. (U.S. Pat. No. 5,001,712) as set forth in the office action mailed on 06/07/2000 is **maintained**.

Response to Arguments

4. Applicant's arguments filed 09/11/2000 have been fully considered but they are not persuasive.

Art Unit: 2131

REMARKS

5. In response to claims 1-26, Applicant argues that neither Tavallaei nor Splett teach or suggests "testing of device driver or testing device driver hardening. However, Examiner disagrees with the Applicant because Tavallaei discloses a method/system of diagnosis or testing components (or device) see., figs 1 and 2, col 3, lines 65-67, col 4, lines 1-12, col 5, lines 45-58, col 7, lines 45-67 and Applicant's fig 1 and Tavallaei's figs 1 and 2 as stated in the office action mailed on 06/07/2000, page 3.

CONCLUSION

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2131

7. The prior art made of record and relied upon is considered to applicant's disclosure.
8. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Gail Hayes can be reached on (703) 305-9711.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

OR:

(703) 305-3718 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth floor (receptionist).


Pierre Eddy Elisca

Patent Examiner

November 13, 2000



GAIL HAYES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)
(November, 2000)

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE
CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE
OATH OR DECLARATION**, notwithstanding any indication to the
contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the
portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to
EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in
ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a)~~

Similar language appearing in any attachments to the Notice of Allowability,
such as in an Examiner's Amendment/Comment or in a Notice of
Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).